

Attorney Docket No. 1267/US/4
USPTO Facsimile No. (703) 872-9306

REMARKS

Applicant thanks the Examiner for the thorough and comprehensive review of the pending claims in the present matter. Since the present matter is related to two patents (U.S. Patent No. 6,411,965 (the "'965 Patent'") and U.S. Patent No. 5,799,320 (the "'320 Patent'")) currently being asserted in patent litigation and Reexamined by the Patent Office, the volume and magnitude of prior art may be greater than that which is common. In any event, Applicant believes it has a duty to disclose the prosecution of the related Reexaminations in the present and related matters and appreciates the Examiner's continued and diligent review of the same. Should the Examiner not desire to receive the communications between EdiSync and the Patent Office regarding the Reexaminations of the '965 Patent and/or the '320 Patent, please notify Applicant's attorney in writing.

This amendment and response is filed in response to the Office Action (OA) of 4 October 2004, which set a shortened statutory period for replying of three (3) months. As such, a petition and fees for extension of time of three months is being submitted herewith. Upon entry of the following remarks, claims 1-31 remain pending. In view of the following comments, expedited allowance of these claims is earnestly solicited.

In the OA, each of claims 1-31 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-35 of the "'965 Patent" and claims 1-20 of the "'320 Patent". Since the present application and both the '965 Patent and the '320 Patent are commonly owned and assigned to EdiSync Systems LLC, applicant submits herewith a terminal disclaimer in compliance with 37 C.F.R 1.132(c) and respectfully requests withdrawal of the double patenting rejection.

Also, claims 22-29 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for allegedly failing to recite sufficient antecedent basis for an "interconnecting means." Applicant notes that claims 22-29 variously depend from claim 1 which recites "at least one interconnecting means." Thus, this rejection is improper and should be withdrawn.

Claims 1-31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sarin et al. in "Computer-based Real Time Conferencing Systems" as part of a text edited by Grief in Computer-supported Cooperative Work: A Book of Readings. Applicant respectfully traverses this rejection.

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In view of the Declaration of Gary J. Nutt, dated 8 September 2004, and the Second Declaration of Gary J. Nutt, dated 15 March 2005, each of the presently pending claims are patentable over and not anticipated by Sarin. The First and Second Declarations of Dr. Nutt were previously submitted to the Patent Office, in conjunction with the prosecution of the present application, in Information Disclosure Statements dated 6 October 2004 and 23 March 2005, respectively. For the convenience of the Examiner, copies of the First and Second Declarations are submitted herewith. The Examiner is respectfully requested to review such Declarations in view of the present pending claims and Remarks herein.

Further, in related U.S. Patent Reexamination No. 90/006940 (a reexamination of the '320 Patent), which is presently pending before the Patent Office, Applicant has submitted Responses to the substantive Office Actions of 9 July 2004 and 27 October 2004. Copies of each of these Office Actions and Applicant's Responses thereto as well as a Supplemental Response dated 15 March 2005 have been submitted to the Patent Office, and listed in Information Disclosure Statements, for consideration by the Examiner in the present matter. The Examiner is requested to review the Remarks provided in such Responses when considering the patentability of the presently pending claims over Sarin and the other prior art of record cited in the 90/006940 and also in related Reexamination No. 90/006941 (a reexamination of the '965 Patent).

More specifically, as set forth in detail in Dr. Nutt's Declarations, Sarin does not teach, disclose, mention or suggest to one of ordinary skill in the art, by and before 23 August 1989 (the claimed priority date for the present application), a computer file editing system which comprises a plurality of personal computers. Therefore, since each of the presently pending claims, the specific elements and limitations of which are set forth above, recite a computer file editing system comprising a plurality of personal computers, each pending claim is patentable over Sarin.

In view of the above remarks, each of the pending claims 1-31 is patentable over Sarin and the cited prior art of record. The issuance of an expedited Notice of Allowance is respectfully requested.

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Should the Examiner have any questions concerning the above remarks, the
Declarations of Dr. Nutt or any other issue concerning the present application, please contact
the undersigned attorney.

Dated: 3/29/05

Respectfully submitted,



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